not assigned

not assigned

USE OF PRIOR OATH UNDER 37 CFR §1.63(d)

## Express Mail Label No. EL 789 848 749 US

**PATENT** 

Date of Deposit is March \_\_\_\_\_\_, 2002
I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box: Patent Application, Washington, D. C. 20231.

Atty. Docket No. DX0936KB

CN 028008

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner:

Art Unit:

In re application of:

**HOEK & SEDGWICK** 

Serial No.:

to be assigned

Filed:

March / . 2002

For:

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NOVEL USES OF MAMMALIAN OX2

PROTEIN AND RELATED REAGENTS

Palo Alto, California 94304

March / , 2002

Assistant Commissioner for Patents Box: Patent Application

Washington, D.C. 20231

Sir:

## USE OF PRIOR OATH UNDER 37 CFR §1.63(d)

The enclosed copy of the oath/declaration is for the attached application submitted herewith. Since the present application is a divisional application filed by all of the inventors from the originally filed application (USSN 09/547,432; filed April 12, 2000) a newly executed oath or declaration is <u>not</u> required as specified under 37 CFR §1.63(d) as long as a copy of the signed oath or declaration filed in the prior application is submitted. Accordingly, please use the enclosed copy oath/declaration for the current application.

Respectfully submitted,

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Dated: March \_\_\_\_/ , 2002

Sheela Mohan-Peterson Attorney for Applicants

Reg. No. 41,201

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DNAX Research Institute 901 California Avenue Palo Alto, California 94304-1104

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Attorney's Docket No. <u>DX0936K</u>

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"NOVEL USES OF MAMMALIAN OX2 PROTEIN AND RELATED REAGENTS"

the specification of which				
is attached hereto.				
X was filed on Apri	1 12, 2000	as Applica	tion Serial No.	09/547,432
and was amended on			(if applicable).	
I hereby state that I have re including the claims, as am	viewed and uended by any	inderstand the y amendment	contents of the above referred to above.	e-identified specification,
in accordance with Title 37	, Code of Fe	deral Regulati	ons, §1.56(a).	amination of this application
I hereby claim foreign prio application(s) for patent or application for patent or in which priority is claimed:	inventor's ce	ertificate listed	below and have also	e, §119(a)-(d) of any foreign o identified below any foreign at of the application on
Prior Foreign Application(s):				Priority Claimed
(Number)	(Cou	ntry)	(Day/Month/Year	Filed) Yes or No
I hereby claim the benefit application(s) listed below:	under Title 3	5, United Stat	es Code, §119(e) of a	any United States provisional
60/129,124	April	13, 1999		
(Application Number)	(Filir	ng Date)	-	
in the prior United States a	s the subject application in owledge the d .56(a) which	matter of each the manner p luty to disclose occurred bety	of the claims of the rovided by the first e material information ween the filing date of	y United States application(s) is application is not disclosed paragraph of Title 35, United on as defined in Title 37, Code of the prior application and the
(Application Serial No.)	(Filin		(Status – pate	

HOEK and SEDGWICK, et al., USSN No.: 09/547,432, filed April 12, 2000

Page 1 of 2

Power of Attorney: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in Patent and Trademark Office connected therewith. (List name and registration number.)

Edwin P. Ching	Reg. No. 34,090	Anita W. Magatti	Reg. No. 29,825
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of First Inventor	Signature of Second Inventor	Signature of Third Inventor
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RALITONE	1009	1
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✓Robert M. Hoek	Jonathan D. Sedgwick	
Date 7-19-00	Date 0. 20.0	Date
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HOEK and SEDGWICK, et al.,

USSN No.: 09/547,432, filed April 12, 2000